

1 MICHAEL P. LOWRY, ESQ.  
Nevada Bar No. 10666  
2 E-mail: [Michael.Lowry@wilsonelser.com](mailto:Michael.Lowry@wilsonelser.com)  
WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP  
3 300 South Fourth Street, 11<sup>th</sup> Floor  
Las Vegas, Nevada 89101-6014  
4 Tel: 702.727.1400/Fax: 702.727.1401  
Attorneys for The TJX Companies, Inc.  
5

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 CHRISTOPHER HINOJOS, an individual, Case No.: 2:17-cv-154

9 Plaintiff,

**Stipulation and Order**

10 vs.

11 THE TJX COMPANIES, INC., a foreign  
corporation, d/b/a T.J. MAXX; DOES I through  
12 XXX, inclusive and ROE BUSINESS  
ENTITIES I through XXX, inclusive,  
13

14 Defendants.

15 The parties stipulate to various matters, as described below.

- 16 1. The TJX Companies, Inc. ("TJX") may file a third-party complaint against Mr. Hinojos'  
17 employer when accident described in his amended complaint happened, believed to be  
18 Forward Air.
- 19 2. Mr. Hinojos agrees to dismiss his second cause of action, with prejudice, each party to bear  
20 its own fees and costs incurred from that cause of action.
- 21 3. Mr. Hinojos' will not designate any expert witnesses to testify concerning any standard of  
22 care TJX may have owed or how TJX may have breached that standard of care. TJX will not  
23 designate any expert witnesses to testify concerning any standard of care Mr. Hinojos may  
24 have owed or how he may have breached that standard of care. This stipulation does not  
25 affect Mr. Hinojos' or TJX's ability to designate expert witnesses, if needed, concerning its  
26 anticipated third-party complaint against Forward Air.
- 27 4. Mr. Hinojos is not asserting that he requires future medical treatment due to accident  
28 described in his amended complaint.

5. Mr. Hinojos received worker's compensation as a result of the accident described in his amended complaint. The entire worker's compensation file was obtained and has been disclosed as TJX000001-873. This file contains all of Mr. Hinojos' past medical treatment due to the accident described in his amended complaint. The parties stipulate the documents in this range are genuine and authentic for purposes of admissibility at trial, but reserve any further objections each may have to parts of specific records. The parties stipulate that the medical treatment and charges contained in the worker's compensation file, TJX000001-873, are causally related and reasonably necessary due to the accident described in the amended complaint. The parties may still dispute at trial the reasonable value of the services, as permitted by NRS 616C.215(10) and interpreted in *Tri-Cty. Equip. & Leasing, LLC v. Klinke*, 128 Nev. 352, 286 P.3d 593 (2012).
6. This stipulation has no impact upon the current scheduling order.

Dated this 4 <sup>th</sup> day of April, 2017.	Dated this 4 <sup>th</sup> day of April, 2017.
LADAH LAW FIRM	WILSON ELSEER MOSKOWITZ EDELMAN & DICKER, LLP
/s/ <b>Joseph C. Chu</b>	/s/ <b>Michael P. Lowry</b>
_____ Joseph C. Chu, Esq. Nevada Bar No: 11082 517 S. 3 <sup>rd</sup> St. Las Vegas, NV 89101 Attorneys for Christopher Hinojos	_____ Michael P. Lowry, Esq. Nevada Bar No: 10666 300 South Fourth Street, 11 <sup>th</sup> Floor Las Vegas, NV 89101 Attorneys for The TJX Companies, Inc.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT COURT JUDGE

DATED this 4 day of April, 2017.

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on April 4, 2017, I served the **Stipulation and Order** as follows:

☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk:

Ramzy P. Ladah, Esq.  
Ladah Law Firm  
517 S. 3<sup>rd</sup> St.  
Las Vegas, NV 89101  
Tel: 702.252.0055  
Attorneys for Plaintiff

BY: /s/ Michael P. Lowry  
An Employee of Wilson Elser Moskowitz  
Edelman & Dicker LLP